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9 THE ESTATE OF DONALD HARRINGTON, EDWIN AYALA, ERIC SCOTT  
POWELL, EMILIO VAZQUEZ, PATRICK GATSON, ANTHONY BRYANT,  
10 JAMAR EVANS, and JAMES WILLIAMS

11 (Additional attorneys for the Parties on following page)

12 **UNITED STATES DISTRICT COURT**

13 **CENTRAL DISTRICT OF CALIFORNIA**

14  
15 THE ESTATE OF DONALD  
16 HARRINGTON, EDWIN AYALA,  
ERIC SCOTT POWELL, EMILIO  
17 VAZQUEZ, PATRICK GATSON,  
18 ANTHONY BRYANT, JAMAR  
EVANS, and JAMES WILLIAMS, on  
19 behalf of themselves, all others  
20 similarly situated, and the general  
21 public, and as an “aggrieved  
22 employee” on behalf of other  
“aggrieved employees” under the  
23 Labor Code Private Attorneys General  
Act of 2004,

24  
25 *Plaintiff,*

26 vs.

27  
28 MARTEN TRANSPORT, LTD., a

Case No.: 15-CV-01419-MWF-ASx

**STIPULATION RE: CLASS  
CERTIFICATION BRIEFING  
SCHEDULE**

Hon. Michael W. Fitzgerald  
Courtroom 1600

1 Delaware corporation; and DOES 1-  
2 50, inclusive,

3 *Defendants.*

4 **ATTORNEYS FOR DEFENDANT**

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1 IT IS HEREBY STIPULATED by and between the parties to this action  
2 through their designated counsel as follows:

3 1. WHEREAS, on April 9, 2018, Plaintiffs filed their Motion for Class  
4 Certification (the “Motion”) (Docket No. 108).

5 2. WHEREAS, since the filing of Plaintiffs’ Motion, the Parties have  
6 been working cooperatively to schedule several depositions which the Parties agree  
7 to complete prior to the filing of Defendant’s Opposition and Plaintiffs’ Reply  
8 briefing, including the depositions of the new Plaintiffs added in the Second  
9 Amended Complaint (Docket No. 94), the remaining declarants from Plaintiff  
10 Donald Harrington’s prior motion for class certification (Docket No. 58) that were  
11 not deposed due to health or scheduling challenges, and other putative class  
12 members.

13 3. WHEREAS, the Ninth Circuit Court of Appeals in *Stewart v. San Luis*  
14 *Ambulance, Inc.*, 878 F.3d 883 (9th Cir. 12/29/17), recently certified to the  
15 California Supreme Court the following question: “Do violations of the meal period  
16 regulations, which require payment of a ‘premium wage’ for each improper meal  
17 period, give rise to claims under sections 203 and 226 of the California Labor Code  
18 where the employer does not include the premium wage in the employee's pay or  
19 pay statements during the course of the violations?” The Plaintiff/Appellant in  
20 *Stewart* filed an opening brief on June 12, 2018 and the Defendant/Respondent  
21 submitted an application for extension of time to file its answer brief by September  
22 10, 2018. The Parties believe that the outcome of the California Supreme Court’s  
23 decision in *Stewart* will have a significant impact on this lawsuit because Plaintiffs  
24 seek certification of their wage statement and waiting time penalties claims, a  
25 significant basis for relief in this case.

26 4. WHEREAS, on July 5, 2018, the Parties have also renewed settlement  
27 negotiations based on certain pending federal legislation which, if passed, will moot  
28 Plaintiffs’ claims.



1 ANTHONY BRYANT, JAMAR EVANS, and  
2 JAMES WILLIAMS

3 LITTLER MENDELSON, P.C.

4  
5 Dated: July 10, 2018

By: /s/ Alison Cubre (authorized 7/10/18)

6 ANGELA J. RAFOTH

7 ALISON CUBRE

8 Attorneys for Defendant, MARTEN

TRANSPORT, LTD.

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